



# Department of Planning, Housing, & Community Development

Mayor, Richard C. David  
Director, Jennie Skeadas-Sherry AICP

## Staff Report Series A Site Plan and Special Use Permit Review

**Planning Commission Date:** November 10, 2014  
**Address:** 224 Main Street  
**Tax Id #:** 160.21-1-1  
**Case Number:** 2014-56  
**Zoning:** Service Commercial District (C-1)

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### REVIEW REQUESTED

This application would provide for the expansion of an existing parking lot for the Associated Catholic Charities for Community Development (Catholic Charities). The proposal would add 24 parking spaces to an existing parking lot containing 53 spaces, resulting in a total of 77 parking spaces. The site, although located on a separate parcel would be integrated into the existing parking lot. The proposed development would include a rain garden for stormwater management, landscape buffers planted with shrubs and trees, and would retain a wooded area located to the rear of the site. The following bulk table outlines the zoning code requirements for the proposed development:

	Code Requirement	Proposed
Lot Coverage	Maximum of 70%	66%
Driveway Width for 2-Way Commercial Traffic (Whitney Ave)	Maximum 30 feet	24 feet
Minimum Interior Landscaping for a Parking Area	Minimum 5% of Site Area (600 square feet)	25% (3,045 square feet)
Minimum Tree Canopy Coverage (Interior Parking Area Landscape Islands)	Minimum 50% of Parking Area at Time of Maturity	41% (see Shade Tree Commission comments)

Since the proposed parking area is located on a separate parcel it is defined as an ancillary parking lot pursuant to the Zoning Code. Ancillary parking lots require a Special Use Permit and Site Plan approval from the Planning Commission.

## STAFF FINDINGS AND RECOMMENDATIONS

Planning Staff has the following findings:

1. The Planning Commission must determine if the requirements of Section 410-47 for a Series A Site Plan Review have been met.
2. The Planning Commission must determine if the general requirements as set forth in Section 410-40 for a Special Use Permit have been met.

Staff recommends the following condition of approval:

1. The proposed cross walk shall be aligned with an ADA compliance curb ramp located on the south side of Main Street. The applicant shall be responsible for cost and construction of any necessary ADA compliance curb ramp.

## STANDARDS FOR APPROVAL OF SITE PLANS

Listed below are the *Standards for approval of site plans* found in Article IX of the Zoning Ordinance. In reviewing a Site Plan Modification application, the Planning Commission should refer to the guidelines for reviewing a Series A Site Plan application. Planning Commission is guided by the existing characteristics and conditions of the site, its surroundings, and the particular requirements of the Applicant. Elements of concern include, but are not limited to the following:

- Movement of vehicles and people
- Public safety
- Off-street parking and service
- Lot size, density, setbacks, building size, coverage and height
- Landscaping, site drainage, buffering, views or visual character
- Signs, site lighting
- Operational characteristics
- Architectural features, materials and colors
- Compatibility with general character of neighborhood
- Other considerations that may reasonably be related to health, safety, and general welfare

In addition, the general requirements described in Section 410-40 must be complied with. The requirements for Section 410-40 are as follows:

1. That the land use or activity is designed, located, and operated so as to protect the public health, safety, and welfare.
2. That the land use or activity will encourage and promote a suitable and safe environment for the surrounding neighborhood and will not cause substantial injury to the value of other property in the neighborhood.
3. That the land use or activity will be compatible with existing adjoining development and will not adversely change the established character or appearance of the neighborhood.
4. That effective landscaping and buffering is provided as may be required by the Planning

Commission. To this end, parking areas and lot areas not used for structures or access drives shall be improved with grass, shrubs, trees, and other forms of landscaping, the location and species of which shall be specified on the site plan.

5. That a site plan shall be approved in accordance with applicable provisions of Article IX of the Zoning Ordinance.
6. That adequate off-street parking and loading are provided in accordance with Article X of the Zoning Ordinance or other requirements as may be set forth in Section 806, and egress and ingress to parking and loading areas are so designed as to minimize the number of curbcuts and not unduly interfere with traffic or abutting streets.
7. That site development shall be such as to minimize erosion and shall not produce increased surface water runoff onto abutting properties.
8. That existing public streets and utilities servicing the project shall be determined to be adequate.
9. That significant existing vegetation shall be preserved to the extent practicable.
10. That adequate lighting of the site and parking areas is provided and that exterior lighting sources are designed and located so as to produce minimal glare on adjacent streets and properties.
11. That the land use or activity conforms with all applicable regulations governing the zoning district where it is to be located, and with performance standards set forth in Section 503 of the Zoning Ordinance, except as such regulations and performance standards may be modified by the Planning Commission or by the specific provisions of Section 806. Notwithstanding the above, the Planning Commission shall not be authorized to modify the land use regulations of the Zoning Ordinance.

### ADDITIONAL REVIEWS

Traffic Board approved the proposed curb cut onto Main Street. The Board recommended that the Planning Commission require as a condition that the proposed cross walk be aligned with an ADA compliant curb ramp located on the south side of Main Street.

Shade Tree Commission has reviewed the proposed site and landscaping plan. Please see attached comments from the Commission. Of primary concern is the fact that the site plan does not comply with the tree canopy coverage requirement. The Commission has noted specific alterations to the plan that would bring the project into compliance with this requirement.

### SITE REVIEW

The subject property is located on the north side of Main Street immediately adjacent to Catholic Charities to the west and a multi-family dwelling to the east. The site is currently vacant but was previously improved with a multi-family dwelling. Land uses in the vicinity of the site are primarily commercial with some residential.

### PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

226 Main Street: In 2011, the Planning commission approved a Series A Site Plan/Special Use Permit for a proposed expansion of a human service agency.

225 Main Street: In February of 2003, the Zoning Board of Appeals granted area variances to Abbas Mizrab to operate an automobile sales business.

311 Main Street/197 Matthews Street: In 1986, the Planning Commission permitted the use of a parking lot located 250 feet from the principal use (medical office building).

312-314 Main Street: A request by Paul Chang to construct an addition to an existing dry cleaning plant was approved by the Planning Commission in May, 1998.

315 Main Street: Use and area variances were granted to Binghamton Giant Markets Inc. in October, 1994, to operate a light manufacturing facility to assemble computers.

315 Main Street: The Zoning Board of Appeals granted two area variances to Ferris Akel in September, 1996, to construct an off-street parking lot for a medical office facility located next door on Main Street.

317 Main Street: Permission to enlarge a non-conforming use by constructing a one-story addition to the rear of a building was granted to the Broome County Board of Realtors, Inc. in 1972 by the Zoning Board of Appeals.

341 Main Street and 7 Floral Avenue: The Zoning Board of Appeals granted five area variances to Penn-York Medical Supplies Inc. in 1994 to construct an addition to an existing building and to construct a parking lot.

### COMPREHENSIVE PLAN CONSISTENCY

This project is consistent with the City's 2014 Comprehensive Plan. The Plan designation for this site is Institutional. The parking area would serve an existing human services agency which falls within the Institutional land use designation.

### ENVIRONMENTAL IMPACT

The applicant's proposal is a SEQR **Unlisted** Action. The Planning Commission should act as the lead agency to determine any environmental significance related to the Site Plan and Special Use Permit.

1. Motion to determine what type of action:
  - a. Type I
  - b. Type II
  - c. **Unlisted**
2. Determine Lead Agency and other involved agencies.
3. After the Public Hearing, Determination of Significance. The Planning Commission is responsible for completing Part 2 & Part 3 of the Environmental Assessment Form (EAF)– see below.

**SEQR EAF Part 2 - Impact Assessment.** The Lead Agency (Planning Commission) is responsible for the completion of Part 2. Answer all of the following questions in Part 2 using the information contained in Part 1 and other materials submitted by the project sponsor or otherwise available to the Planning Commission. When answering the questions the Planning Commission should be guided by the concept “Have our

responses been reasonable considering the scale and context of the proposed action?

	NO, OR SMALL IMPACT MAY OCCUR	MODERATE TO LARGE IMPACT MAY OCCUR
Will the proposed action create a material conflict with an adopted land use plan or zoning regulations?		
Will the proposed action result in a change in the use or intensity of use of land?		
Will the proposed action impair the character or quality of the existing community?		
Will the proposed action have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area (CEA)?		
Will the proposed action result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking or walkway?		
Will the proposed action cause an increase in the use of energy and it fails to incorporate reasonably available energy conservation or renewable energy opportunities?		
Will the proposed action impact existing:  A. public / private water supplies?  B. public / private wastewater treatment utilities?		
Will the proposed action impair the character or quality of important historic, archaeological, architectural or aesthetic resources?		
Will the proposed action result in an adverse change to natural resources (e.g., wetlands, waterbodies, groundwater, air quality, flora and fauna)?		
Will the proposed action result in an increase in the potential for erosion, flooding or drainage Problems?		
Will the proposed action create a hazard to environmental resources or human health?		

**EAF Part 3 - Determination of significance.** For every question in Part 2 that answered “moderate to large impact may occur”, or if there is a need to explain why a particular element of the proposed action may or will not result in a significant adverse environmental impact, please complete Part 3. Part 3 should, in sufficient detail, identify the impact, including any measures or design elements that have been included by the project sponsor to avoid or reduce impacts. Part 3 should also explain how the lead agency determined that the impact may or will not be significant. Each potential impact should be assessed considering its setting, probability of occurring, duration, irreversibility, geographic scope and magnitude. Also consider the potential for short-term, long-term and cumulative impacts.

- If the Planning Commission determines that the proposed action may result in one or more potentially large or significant adverse impacts an environmental impact statement is required.
- The Planning Commission may issue a Negative Declaration if it is determined that the proposed

action will not result in any significant adverse environmental impacts.

ENCLOSURES

Enclosed is a copy of the application, site plan, and photograph page.